

SADDLEBACK MOUNTAIN-ARIZONA SETTLEMENT ACT OF  
1995

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DECEMBER 21, 1995.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany S. 1341]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the Act (S. 1341) to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the Act do pass.

PURPOSE OF THE BILL

The purpose of S. 1341 is to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona.

BACKGROUND AND NEED FOR LEGISLATION

S. 1341, the proposed Saddleback Mountain-Arizona Settlement Act of 1995, ratifies a land settlement agreement between the Resolution Trust Corporation, the City of Scottsdale, and the Salt River Pima-Maricopa Indian Community. The land in question, 701 acres currently held by the Resolution Trust Corporation, would be disposed of as follows:

One 27-acre tract and one 98-acre tract would be purchased by the City of Scottsdale; and

One 211-acre tract and one 365-acre tract would be purchased by the Tribe;

Pending litigation between the parties would be dismissed and each of the four tracts would be administered according to a detailed ownership, development, and use agreement.

Finally, S. 1341 provides that the land purchased by the Tribe will be taken into trust and become part of the Salt River Reservation.

#### COMMITTEE ACTION

S. 1341 was introduced on October 19, 1995, by Senator John McCain. The bill was passed by the Senate on November 29, 1995. In the House of Representatives, the bill was referred to the Committee on Resources and the Committee on Banking and Financial Services. With the Committee on Resources, the bill was referred to the Subcommittee on Native American and Insular Affairs.

On November 14, 1995 the Subcommittee on Native American and Insular Affairs held a hearing on a similar bill, H.R. 2490, introduced by Congressman J.D. Hayworth on October 17, 1995.

On December 13, 1995, the Full Resources Committee met to consider S. 1341. The bill was discharged by unanimous consent from Subcommittee. No amendments were offered. S. 1341 was ordered favorably reported by voice vote to the House of Representatives.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

This section states that this Act may be cited as the "Saddleback Mountain-Arizona Settlement Act of 1995".

##### *Section 2. Congressional findings and purposes*

Subsection (a) sets forth findings for the bill. Subsection (b) sets forth the purposes of the bill.

##### *Section 3. Definitions*

This section provides definitions for 12 terms used in the bill.

##### *Section 4. Approval of agreement*

This section states that the Settlement Agreement is approved and ratified and shall be fully enforceable in accordance with the terms and the provisions of this Act.

##### *Section 5. Transfer of properties*

Subsection (a) provides that the Resolution Trust Corporation shall transfer: (1) to the Secretary of the Interior the Mountain Property and the Development Property purchased by the Salt River Pima-Maricopa Indian Community; and (2) to the City of Scottsdale, the Preservation Property and the Dedication Property purchased by the City, upon satisfaction of all conditions of closing set forth in the Settlement Agreement.

Subsection (b) provides that the Mountain Property and the Development Property transferred to the Salt River Pima-Maricopa Indian Community shall, subject to sections 6 and 7, be held in trust by the United States for the Community and become part of the Community's Reservation.

Subsection (c) provides that, upon satisfaction of all conditions of closing set forth in the Settlement Agreement, the Secretary shall file surveys depicting the various properties with the office of the Maricopa County Recorder and the Titles and Records Center of the Bureau of Indian Affairs in Albuquerque, New Mexico.

*Section 6. Limitations on use and development*

This section provides that upon the satisfaction of all of the conditions of closing set forth in the Settlement Agreement, the properties to be transferred to the City and the Community pursuant to section 5 shall be subject to the following limitations:

(1) the Preservation Property shall be forever preserved in its natural state for use only as a public park or recreation area that shall be used, maintained, and subject to section 4(C) of the Settlement Agreement, except that, at the sole discretion of the City, a portion of the Preservation Property (the Dedication Property) may be used to widen, reconfigure, repair or reengineer Shea Boulevard in accordance with section 4(D) of the Settlement Agreement;

(2) the Dedication Property shall be used to widen, reconfigure, repair or reengineer Shea Boulevard and 136th Street, in accordance with sections 4(D) and 7 of the Settlement Agreement;

(3) the Mountain Property shall be forever preserved in its natural state for use only as a public park or recreation area that shall be used, maintained, and subject to the restrictions set forth in section 5(C) of the Settlement Agreement; and

(4) the Development Property shall be used and developed for the economic benefit of the Community in accordance with the provisions of the Settlement Agreement and the Development Agreement.

*Section 7. Amendments to the settlement agreement*

This section provides that no amendment made to the Settlement Agreement (including any deviation from an approved plan described in section 9(B) of the Settlement Agreement) shall become effective unless the amendment is made in accordance with the applicable requirements under sections 9(B) and 34 of the Settlement Agreement and is consistent with the provisions of this Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of S. 1341 will have no significant inflationary impact on prices and costs in the operation of the national economy.

## COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out S. 1341. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

## COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, S. 1341 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. S. 1341 will result in an increase in revenues to the Federal Government in Fiscal Year 1996, but this increase would be offset by a similar revenue loss in the future.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of S. 1341.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for S. 1341 from the Director of the Congressional Budget Office.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, December 18, 1995.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, as ordered reported by the House Committee on Resources on December 13, 1995. S. 1341 would ratify a settlement agreement that would transfer 701 acres from the Resolution Trust Corporation (RTC) to the Salt River Pima-Maricopa Indian Community (to be held in trust by the Department of the Interior) and the city of Scottsdale, Arizona. Under the settlement agreement, the Salt River Community and the city of Scottsdale have agreed to pay the RTC a total of \$6.5 million, which would be offsetting collections to the federal government. We estimate that enacting S. 1341 would increase federal collections to the federal government. We estimate that enacting S. 1341 would increase federal collections by \$6.5 million in fiscal year 1996, but that such collections would be offset by a loss of a similar amount some time over the next several years.

Based on information from the RTC, CBO expects that the land would not be sold in the near term in the absence of the act. We cannot predict the timing or price of such a sale under current law, but we expect that the land would be sold eventually even without this legislation. Hence, CBO estimates that enacting S. 1341 would increase offsetting collections to the RTC by \$6.5 million in fiscal year 1996, thus reducing RTC outlays by that amount, but over time, there would be no significant net budgetary impact.

The receipts obtained in 1996 would constitute proceeds from a non-routine asset sale. As a result, pay-as-you-go procedures would not apply to the legislation. Under the 1996 budget resolution, proceeds from asset sales are counted in the budget totals for purposes of Congressional scoring. Under the Balanced Budget Act, however, proceeds from asset sales are not counted in determining compliance with pay-as-you-go requirements.

In addition to authorizing the transfer of land, S. 1341 also would clarify limitations on the use of the lands. For example, the city of Scottsdale would be permitted to extend and repair certain streets on its land, and part of the property transferred to the Salt River Community would be held forever as park or recreation lands. Other than the payments from the Salt River Community and the city of Scottsdale to the RTC, S. 1341 would not significantly affect the budgets of state or local governments.

On November 16, 1995, CBO prepared a cost estimate for S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, as ordered reported by the Senate Committee on Indian Affairs on November 7, 1995. The two estimates are identical.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Robertson.

Sincerely,

JUNE E. O'NEILL, *Director*.

#### CHANGES IN EXISTING LAW

If enacted, S. 1341 would make no changes in existing law.

#### DEPARTMENTAL REPORTS

The Committee has received no departmental reports on S. 1341.



## A P P E N D I X

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON BANKING AND FINANCIAL SERVICES,  
*Washington, DC, December 14, 1995.*

Hon. NEWT GINGRICH,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I am writing concerning S. 1341, the Saddleback Mountain-Arizona Settlement Act of 1995, which was ordered to be reported by the Committee on Resources on December 13, 1995. This legislation has been sequentially referred to the Committee on Banking and Financial Services.

In 1989 the Resolution Trust Corporation (RTC) acquired the Saddleback Property as receiver. After the Saddleback Property was noticed for sale by the RTC, a dispute between the Pima-Maricopa Indian Community and the City of Scottsdale, Arizona arose concerning the future ownership, use, and development of the Saddleback Property. The Community and the City each filed litigation with respect to the dispute, but after months of negotiation an agreement was reached. The agreement, signed on September 11, 1995, includes a provision that it must be ratified by Congress within 180 days or it is no longer binding. S. 1341 would approve and ratify that agreement.

Based on the need for timely consideration of this legislation, the Committee on Banking and Financial Services waives consideration of S. 1341 and requests to be discharged without prejudice from further consideration of this matter.

Sincerely,

JAMES A. LEACH, *Chairman.*

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